

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 13, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, June 22 and 29, 2005 Worksessions.

Action: Approved, (WMH/LLM, 5-0).

2. **A-5859, Appeal of Lorrie Hartwell** (Department of Permitting Services (DPS) – Revocation of Construction Permit No. 290613). Mandate of Court of Special Appeals.

Action: Re-opened the record to include Mandate of the Court of Special Appeals, (LLM/AMC, 5-0).

3. **A-6021, Petition of Ada and Livio DiMichele** (one-story addition). Inspection report from Pete Hrycak, DPS.

Action: Re-opened the record to include Mr. Hrycak's inspection report, (LLM/WMH, 5-0).

4. **CBA-2234, Petition of WIN Broadcasting Corporation** (radio broadcasting towers and transmitter). Letter of opposition to the Board from Sharon F. Suchy.

Action: Re-opened the record to include Ms. Suchy's letter, (LLM/AMC, 5-0). No action required by the Board.

5. **CBA-2741, Petition of Harry T. Lackey** (private riding stable). Letter from Pauline Santoni requesting revocation of the special exception.

Action: Revoked special exception as abandoned, (WMH/LLM, 5-0).

6. **S-289-A [S-289], Petition of Little Falls Swim Club** (community swimming pool). Letters to the Board from Karen Blechman.

Action: Re-opened the record to include Ms. Blechman's letter, (LLM/AMC, 5-0).

7. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution.

Action: (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required.

8. **S-1355-A [S-1355], Petition of Sunrise Development, Inc.** (housing and related facilities for the elderly or handicapped persons). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibit: fence plan).

Action: Item deferred for additional information regarding compliance of the fence, consensus.

9. **S-1471, Petition of Ruben Garcia** (automobile filling station). Letter to the Board from A. Shane Kamkari, Esquire, requesting reconsideration.

Action: Denied reconsideration request, (LLM/DLB, 4-0/AMC/abstained).

10. **S-2514, Petition of Annie S. Blackwell** (accessory apartment). Letter from Michael Lenett, current property owner, requesting transfer of the special exception.

Action: Granted transfer of the special exception, (AMC/WMH, 5-0).

11. **S-2596, Petition of Washington Gas** (public utility buildings, public utility structures and telecommunications facilities). Letters to the Board from Brian and Dian Belanger concerning construction on the special exception site.

Action: Item will returned to the Board's Worksession on 9-21-05, consensus.

DECISION ITEMS:

12. **CBA-969-A, Petition of Millennium Health Services, LLC and Millennium Holdings V, LLC** (nursing home). Hearing Examiner's Report and Recommendation. Also included is a request for Oral Argument from David D. Freishtat, Esquire.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted special exception with conditions; (3) denied request for Oral Argument, (LLM/WMH, 5-0).

13. **S-2635, Petition of New Covenant Village, LLC** (senior housing). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation as amended; (2) granted the special exception with conditions, (AMC/DLB, 5-0).

PENDING ITEMS:

14. **A-6018, Appeal of Karen Day** (Department of Permitting Services (DPS) – Notice of Violation). Letter from Malcolm F. Spicer, Jr., notifying the appellant that the Notice of Violation has been withdrawn and that this action moots the action of the County. (1) Re-opened the record to include Mr. Spicer's letter; (2) letter sent to the appellant to withdraw the appeal with 30 day response time. [W/S 5-18-05].

15. **CBA-123 [S-462, S-1353], Petition of Sondra J. Littlejohn** (home occupation). Inspection report to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS). Re-opened the record to include Mr. Garber's memorandum. [W/S 10-20-04].

16. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

17. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5-4-05].

18. **CBA-3057, Petition Chevron USA** (automobile filling station). Letter to the Board from John Hutchinson requesting a transfer of the special exception. Deferred request until the Show Cause Hearing. [W/S 9-29-04].

19. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff of review of administrative modification request. W/S 2-18-04].

20. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property. [W/S 5-22-02].

21. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Inspection report from Stanley N. Garber, Investigator, DPS. (1) Re-opened the record to include Mr. Garber's inspection report; (2) special exception holder has 40 days to comply with special exception conditions; (3) item will return to the Board's to Worksession agenda after compliance period (1/5/05). [W/S 11-10-04].

22. **S-1424, Petition of Korean Community Senior Housing Corporation of Maryland, Inc.** (housing for the elderly). Letter to the Board from Thomas J. Carroll, Esquire, requesting an administrative modification. Item deferred until Board action on related special exception Case No. S-2639. [W/S 4-6-05].

23. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Granted extension to resolve Notice of Violation until 4/1/05. [W/S 1/5/05].

PENDING ITEMS continued:

24. **S-1747, Petition of Thompson R. and Nancy S. Buchanan** (accessory apartment). Memorandum to the Board from John Whitt, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner. Item deferred for future Worksession. [W/S 5/5/04].

25. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan. [W/S 11/12/03].

26. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

27. **S-2195, Petition of S. Ronald Furman t/a The Framer's Vise** (antique shop). Letter from the petitioner notifying the Board that the property has been sold and that new owner is not interested in retaining the special exception. Item deferred for future Worksession. [W/S 5-4-05].

28. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letter to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan and as-built site plan). Item deferred for additional information from the petitioner. [W/S 4-20-05].

29. **S-2524, Petition of Two Goshen Oaks Center, LLC and Seven-Eleven, Inc.** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Deferred for DPS review of the record. [W/S 9-22-04].

30. **S-2580, Petition of Margaret Walker-Bruce** (accessory apartment). Letter to the Board from the petitioner modifying the floor plan of the accessory apartment. Referred new plans for DHCA review. [W/S 10-20-04].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair
Louise L. Mayer
Angelo M. Caputo
Wendell M. Holloway

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist - ABSENT

